IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 20564 of 2006(W)

PETITIONER:

BIJALY ABRAHAM, W/O. JOY SCARIA,
AGED 48 YEARS, HIGH SCHOOL ASSISTANT
ST.THOMAS HIGH SCHOOL, THOTTACKAD,
KOTTAYAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

---

1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, TRIVANDRUM-14.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM.

4. THE DISTRICT EDUCATIONAL OFFICER,
KOTTAYAM.

5. THE MANAGER, ST.THOMAS HIGH
SCHOOL, THOTTACKAD, KOTTAYAM DISTRICT.

6. SRI.P.M. NINAN, HEADMASTER
ST.THOMAS HIGH SCHOOL, THOTTACKAD,
KOTTAYAM DISTRICT.

7. SRI.K.V. JOSEPH, CLERK,
ST.THOMAS HIGH SCHOOL, THOTTACKAD,
KOTTAYAM DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI
SRI.P.GOPAL
SRI.PIUS K NEDUMGATTU
GOVERNMENT PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.20564/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	COPY OF THE COMMUNICATION NO.RB-5/5314/04 OF THE 4TH RESPONDENT
EXT.P2	COPY OF THE ORDER OF SUSPENSION ISSUED BY THE MANAGER IN FAVOUR OF THE 6TH RESPONDENT (NO.1/2004)
EXT.P3	COPY OF THE -DO- NO.2/2004 IN FAVOUR OF THE 7TH RESPONDENT
EXT.P4	COPY OF THE ORDER NO.B2/13994/04 OF THE 3RD RESPONDENT
EXT.P5	COPY OF THE ORDER OF EXTENSION OF SUSPENSION ISSUED BY MANAGER (NO.5/2004)
EXT.P6	COPY OF THE ENQUIRY REPORT OF 3RD RESPONDENT (NO.B2/13994/04) IN FAVOUR OF THE 6TH RESPONDENT
EXT.P7	COPY OF THE -DO- OF THE 4TH RESPONDENT IN FAVOUR OF THE 7TH RESPONDENT (NO.B5-5134/04)
EXT.P8	COPY OF THE SHOW CAUSE ISSUED BY THE MANAGER IN FAVOUR OF THE 6TH RESPONDENT
EXT.P9	COPY OF THE -DO- 7TH RESPONDENT
EXT.P10	COPY OF THE LETTER OF THE MANAGER IN FAVOUR OF THE 6TH RESPONDENT
EXT.P11	COPY OF THE -DO- 7TH RESPONDENT
EXT.P12	COPY OF THE G.O.(Rt) NO.5128/05/G1. Edn. OF THE GOVERNMENT
EXT.P13	COPY OF THE G.O.(Rt) NO. 3013/2006/G.Edn. OF THE GOVERNMENT
EXT.P14	COPY OF THE LETTER NO.B5/1751/06 OF THE DIST. EDL. OFFICER
EXT.P15	COPY OF THE EXTRACT OF THE REGISTER SHOWING LEFT WITH T.C.
EXT.P16	COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.A. NO.754/1983

RESPONDENT'S EXHIBITS:

EXT.R7(a)	COPY OF THE PETITION FILED BY THE 7TH RESPONDENT
EXT.R5(a)	COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF EDUCATION ALONG WITH A COPY OF THE CONSTITUTION OF THE SCHOOL
EXT.R5(b)	COPY OF THE LETTER OF DISTRICT EDUCATIONAL OFFICER DT. 17.5.06
EXT.R5(c)	COPY OF THEMEMO DT. 29.5.06 ISSUED BY THE 5TH RESPONDENT TO THE 6TH RESPONDENT
EXT.R5(d)	COPY OF THE EXPLANATION DT. 31.5.06 OF THE 6TH RESPONDENT

WPC NO.20564/06

EXT.R5(e) COPY OF THE LETTER DT. 2.6.06 ISSUED BY 6TH RESPONDENT TO THE 5TH RESPONDENT

EXT.R5(f) COPY OF THE LETTER ISSUED BY THE 5TH RESPONDENT TO THE DISTRICT EDUCATIONAL OFFICER DT. 2.6.06

EXT.R6(a) COPY OF THE PETITION FILED BY THE 6TH RESPONDENT.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 20564 OF 2006

Dated this the 13th day of June, 2007

J U D G M E N T

Having heard learned counsel for the parties at the Bar, I am satisfied that it is not necessary to refer to their rival contentions at this stage. As rightly pointed out by learned counsel for the petitioner, the impugned order (Ext.P13) does not show that petitioner was heard before passing the said order.

Therefore, Ext.P13 order is set aside. Respondent No.1 shall take a decision in the matter afresh in accordance with law as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that the petitioner and respondents 5 to 7 are afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before respondent No.1 for compliance.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007